

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHRISTOPHER FUGELSANG,,

Plaintiff,

-against-

**DECLARATION OF SHINEQUA
CHARLES**

THE DEPARTMENT OF EDUCATION OF THE
CITY OF NEW YORK ,

23-CV-8332 (LDH)(RML)

Defendant.

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Shinequa Charles declares under penalty of perjury, pursuant to 28 U.S.C. § 1746,
that the following is true and correct:

1. I am an Assistant Corporation Counsel in the Office of Muriel Goode-Trufant Acting Corporation Counsel of the City of New York, attorney for defendant. I am familiar with the facts and circumstances of this matter based on information and documents obtained from the Department of Education of The City of New York (“DOE”) and the New York City Law Department.

2. I submit this declaration in support of Defendant’s motion to dismiss the Complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure (“FRCP”) in order to place before the Court documents relied upon by Defendant in support of its motion and which are referred to in its Memorandum of Law.

3. Defendant annexes the following documents in support of its motion, which are incorporated by reference in Plaintiff’s court filings related to the Complaint, which are matters of public record of which the Court may take judicial notice and which are documents in Plaintiff’s possession or of which Plaintiff has knowledge:

- Annexed hereto as Exhibit 1 is a copy of New York City Department of Health and Mental Hygiene (“DOHMH”) Commissioner David A. Chokshi’s Order dated September 28, 2021 To Require Covid-19 Vaccination For Department Of Education Employees, Contractors, Visitors, And Others.
- Annexed hereto as Exhibit 2 is a copy of Plaintiff’s Notice of Claim filed on January 23, 2023.
- Annexed hereto as Exhibit 3 is a copy of the Citywide Appeal Panel Decision dated March 7, 2023 concerning Plaintiff’s appeal of the denial of his request for a religious reasonable accommodation.
- Annexed hereto as Exhibit 4 is a copy of Plaintiff’s responses to the Additional information requested by the Citywide Appeal Panel.
- Annexed hereto as Exhibit 5 is a copy of NYC DOE Position Statement: Christopher Fugelsang submitted to the Citywide Appeal Panel explaining why granting Plaintiff’s request for an exemption from the Covid vaccine mandate would cause an undue hardship on the DOE.
- Annexed hereto as Exhibit 6 is a copy of Plaintiff’s First Reasonable Accommodation Request made to the DOE dated September 20, 2021.
- Annexed hereto as Exhibit 7 is a copy of a letter from Rev. Michael J. Snyder M.M., Director of Admissions of the Maryknoll Fathers and Brothers, dated September 23, 2021, submitted by Plaintiff to the DOE in support of his request for a religious exemption from the Covid vaccine mandate.

- Annexed hereto as Exhibit 8 is a copy of the Declaration of Mallory Sullivan, Deputy Director of the DOE's Office of Employee Relations, dated May 27, 2022, submitted in support of the DOE's motion to dismiss the complaint in another Covid vaccine case, *Kane v. DeBlasio*, 21-CV-7863 (VEC) (S.D.N.Y.) to provide information about DOE's employment record system in response to certain allegations regarding "problem codes."

I declare under penalty of perjury that the foregoing is true and correct.

Date: New York, New York
July 12, 2024

/s/ Shinequa Charles

Shinequa Charles
Assistant Corporation Counsel